IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

Bail Appl..No. 218 of 2007()

CC.202/2006 of JFCM,ALATHUR
OR 31/01 of Forest Range Office, Alathur

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: PETITIONER/ACCUSED

ALI, S/O.KOYAKUTTY, AGED 45 YEARS,
NADAKKAVU VEEDU, PALLANCHATHANNUR P.O.,
MATHUR, PALAKKAD DISTRICT.

BY ADV. SRI.JOHNSON P.JOHN
SRI.BABY MATHEW

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. FOREST RANGE OFFICER,
ALATHUR FOREST RANGE OFFICE,
PALAKKAD DISTRICT.

BY PUBLIC PROSECUTOR SHRI. P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 218 of 2007

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Dated this the 16th day of January, 2007.

ORDER

Petitioner, who is the fourth accused in OR No.31 of 2001 of Forest Range Office, Alathur for offences punishable under Sections 4 and 9 of Kerala Preservation of Trees Act read with Rules 3 and 23 of Forest Produce Transit Rules, seeks anticipatory bail.

2. The case was originally registered as C.C.No.148 of 2002 on the file of the J.F.C.M., Alathur. Consequent on the non-appearance of the petitioner before the said court, the case against him was split up and refiled as C.C.No.202 of 2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M., Alathur and files an application for regular bail within two weeks from today, the same shall be considered preferably on the same date on which it is filed notwithstanding the non-bailable warrant pending against the

petitioner and shall be disposed of on merits after considering the explanation offered by the petitioner for his previous non-appearance.

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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